

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42960 of 2022

Arising Out of PS. Case No.-53 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Gopal Manjhi, Son of Late Santu Manjhi, Resident of village- Saidpur
Rajauli, P.O- Rajauli, P.S- Sadar Hajipur , Dist- Vaishali. Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the Opposite Party/s : Mr. Manoj Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Hemant Kumar, learned counsel for the
petitioner and learned APP for the State, through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Hajipur Excise P.S. Case No. 53 of 2022
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

The police on a secret information raided the place of
occurrence and apprehended the petitioner. On search, total 100
litres of fermented toddy was recovered from a hut occupied by
the petitioner.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner has neither any concern with the hut nor with the toddy, which is said to have been recovered from the hut. He next submits that only because of one past criminal antecedent, in similar nature of offence, the name of the petitioner has been implicated on suspicion. However, there is non compliance of Section 100 of the Cr.P.C., apart from the defiance of Sections 81 and 82 of Bihar Prohibition and Excise Act, 2016. He lastly submits that the petitioner is in custody since 16.05.2022 and now, after completion of the investigation, charge-sheet has been submitted and there is no likelihood of commencement of trial in near future.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submission made on behalf of the parties and considering the fact that the alleged recovery has been made from a hut, which does not belong to the petitioner and, moreover, the petitioner is in custody since 16.05.2022 and now the investigation of the crime is already complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise



Court No. 2, Hajipur at Vaishali in connection with Hajipur Excise P.S. Case No. 53 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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